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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,849	12/23/2005	Jakob Skarin	1507-1031	5851
<div>466 7590 08/04/2008</div> <div>YOUNG &amp; THOMPSON 209 Madison Street Suite 500 ALEXANDRIA, VA 22314</div>			<div>EXAMINER</div> <div>REYNOLDS, STEVEN ALAN</div>	
			<div>ART UNIT</div> <div>3728</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>08/04/2008</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/538,849

**Applicant(s)**

SKARIN, JAKOB

**Examiner**

Steven Reynolds

**Art Unit**

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/5508)  
Paper No(s)/Mail Date 6/13/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(m) because the shading provided by the applicant reduces the legibility of the invention. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

2. Claims 1-3 are objected to because of the following informalities:

In claim 1, line 10, "close to its back portion" should read "close to a back portion".

In claim 1, line 11, "portion (5) said inner envelope" should be "portion (5); said inner envelope".

In claim 3, the term "crasing line(s)" should be replaced with "fold line(s)" in order to better define the claimed feature.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 3, the phrase "for example" or "i.e." renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 1, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

See MPEP § 2173.05(d).

Regarding claim 1, the phrase "or the like" or "and so on" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim 1 is indefinite as the opening width of the space is defined by the size of a variable object (the sheet). Defining the size of the claimed invention by the object to be held, without positively reciting the object to be held, renders the claim indefinite since it relies upon a variable object. A claim may be rendered indefinite by reference to an object that is variable. *Ex parte Brummer*, 12 USPQ2d 1653 (Bd. Pat. App. & Inter. 1989).

In claims 1 and 3, it is unclear what direction is defined by the term "extends in a direction forwards". For examination purposes, Examiner assumes the forward direction is the direction perpendicular to the back portion.

In claim 3, applicant uses the term "portion" to define multiple features. The applicant appears to use reference characters "(10), (11), (12), (15), (16)" to define structure in the claims. The use of reference characters is to be construed as having no effect on the scope of the claims. See MPEP 608.01(m). Applicant must clearly define the orientation of the claimed subject matter without relying on the reference characters.

Further regarding claim 3, applicant uses the term "crasing line" to define multiple features. The applicant appears to use reference characters "(D), (E), (G)" to define structure in the claims. The use of reference characters is to be construed as having no

effect on the scope of the claims. See MPEP 608.01(m). Applicant must clearly define the orientation of the claimed subject matter without relying on the reference characters.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Thiele et al (DE 19728263). Insofar as the scope of the claims may be determined, Thiele discloses a package (See Fig 1) for CD-sheets comprising an outer envelope (1/3) and an inner envelope (defined by 4/5/7/8) formed separately with said outer envelope, manufactured by paper, which have been double folded to constitute a cover protecting the CD; said inner envelope partly encloses said CD sheet, so that from the inside of the outer envelope close to a back portion (2); said inner envelope extends in a direction away from the back portion and comprises at least one open space (space formed in inner envelope for holding the CD) delimited by a double fold (triangles at either side of the inner envelope) on each side, which has a length forwards extending past the half diameter of the stored item (when in closed position), characterized in that during the closed position and up to its mainly half open position of the package or immediately before the half opened position said space has an opening width which, after the extension forwards of the double fold past the half diameter of the stored

sheet, is less than the diameter of the sheet by that the double folds converge in a direction towards each other in order to prevent a sliding out of said sheet from the space, and during the continued opening of the package and up to its totally opened position said space has an opening width, which is greater than the diameter of a sheet and makes it easy to take out from the space; during the continued opening of the package and up to its totally opened position the space having the item in the space is automatically lifted upwards in order to expose the item at the same time as the item is easy to grip.

Regarding claim 3, insofar as the scope of the claim may be determined, Thiele discloses each double fold is constituted by two portions (two portions between 4 and 7; and two portions between 5 and 8 - See Fig. 1a) folded towards each other along at least one outer fold line (at 33), which are via upper and lower fold lines (lines 32) foldable formed in said inner envelope, said upper fold lines each extend into a first portion (7/8), which in turn is foldable as symmetrically connected via fold lines (34) with a second portion (B), delimited forwards by the last mentioned fold lines and backwards by a fold line (fold line at the opposite side of B) extending laterally the width of the outer- and inner envelope, which extends into a portion, which foldable extends into inside of the outer envelope a short distance from its back portion via a flap (at 10), which is fixed against the first inside surface and which extends into a direction towards the back portion or in an opposite direction towards the first inside at the same time as the lower fold lines (32) of the double fold extend into a portion (4), which via fold lines

foldably extend into portions (portion attached at fold line 34), which are fixed against the other inside of the outer envelope.

7. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Bleicher-Kaikis (DE 19510090). Insofar as the scope of the claims may be determined, Bleicher-Kaikis discloses a package (See Figs. 2-5) for CD-sheets comprising an outer envelope (defined by 12/14) and an inner envelope (defined by 32/34) formed separately with said outer envelope, manufactured by paper, which have been double folded to constitute a cover protecting the CD; said inner envelope partly encloses said CD sheet, so that from the inside of the outer envelope close to a back portion (15); said inner envelope extends in a direction away from the back portion and comprises at least one open space (space formed by 50) delimited by a double fold (folds between 32c/32d and between 34c/34d) on each side, which has a length forwards extending past the half diameter of the stored item (when in closed position), characterized in that during the closed position and up to its mainly half open position of the package or immediately before the half opened position said space has an opening width which, after the extension forwards of the double fold past the half diameter of the stored sheet, is less than the diameter of the sheet by that the double folds converge in a direction towards each other in order to prevent a sliding out of said sheet from the space, and during the continued opening of the package and up to its totally opened position said space has an opening width, which is greater than the diameter of a sheet and makes it easy to take out from the space; during the continued opening of the



package and up to its totally opened position the space having the item in the space is automatically lifted upwards (when the package is lying on its side and the package is opened, the item is lifted from a horizontal position to a vertical "lifted" position) in order to expose the item at the same time as the item is easy to grip.

Regarding claim 3, insofar as the scope of the claim may be determined, Bleicher-Kaikkis discloses each double fold is constituted by two portions (32c, 32d and 34c, 34d) folded towards each other along at least one outer fold line (fold line between the portions), which are via upper and lower fold lines (two fold lines on the side of 32d and 34d) foldable formed in said inner envelope, said upper fold lines each extend into a first portion (right side portion of 50), which in turn is foldable as symmetrically connected via fold lines with a second portion (left side portion of 50), delimited forwards by the last mentioned fold lines and backwards by a fold line extending laterally the width of the outer- and inner envelope, which extends into a portion (portion of 14 at 34e), which foldable extends into inside of the outer envelope a short distance from its back portion via a flap (34e), which is fixed against the first inside (14) and which extends into a direction towards the back portion or in an opposite direction towards the first inside at the same time as the lower fold lines of the double fold extend into a portion (32e), which via fold lines foldably extend into portions (portion of 12 at 32e), which are fixed against the other inside of the outer envelope.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 form.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Reynolds whose telephone number is (571)272-9959. The examiner can normally be reached on Monday-Friday 9:30am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571)272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. R./  
Examiner, Art Unit 3728

/J. Gregory Pickett/  
Primary Examiner, Art Unit 3728